

AMENDED IN SENATE AUGUST 23, 1996

AMENDED IN SENATE JUNE 24, 1996

AMENDED IN ASSEMBLY MAY 2, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1291

Introduced by Assembly Member Alpert

February 23, 1995

An act to amend Section 115080 of the Health and Safety Code, relating to radiation control.

LEGISLATIVE COUNSEL'S DIGEST

AB 1291, as amended, Alpert. Mammography equipment.

Existing law requires the State Department of Health Services to provide by rule or regulation for the general or specific licensing of persons to receive, possess, or transfer radioactive devices or equipment, and authorizes the department to require registration and inspection of other sources of ionizing radiation.

This bill would make certain findings and declarations relating to overlapping state and federal jurisdiction relating to mammographic X-ray equipment. It would declare the intent of the Legislature to reduce the duplication of requirements and costs.

Pursuant to existing law the registration fee and inspection frequency of radiation machines is based upon the priority classification of the machine pursuant to a prescribed schedule.

This bill would require the department to establish 2 different registration fees for mammography equipment, based upon whether the equipment is accredited by an independent accrediting agency recognized under the federal Mammography Quality Standards Act. ~~The bill would preclude the fee for mammography equipment that is accredited by such an accrediting agency from exceeding the fee charged by the department for registration or accreditation of any high priority radiation machine.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Both the State of California and the federal
4 government through the Food and Drug Administration
5 (FDA) have established extensive regulatory
6 requirements for any users of mammographic X-ray
7 equipment.

8 (b) Those requirements include specific licensure of
9 equipment, technologists, physician supervision and
10 competency, quality assurance, film review, and
11 inspections.

12 (c) There is a substantial duplication of requirements
13 and compliance costs for facilities utilizing
14 mammography equipment due to the overlapping
15 jurisdiction and control of both the state and federal
16 government agencies. These facilities must pay
17 registration fees and accreditation costs for the same or
18 substantially similar review process.

19 (d) It is the intent of the Legislature that registration
20 and license fees imposed by the state be reduced to
21 reflect the duplicative costs paid to the FDA and private
22 accrediting bodies to establish competency and
23 compliance.

24 (e) It is the intent of the Legislature that the
25 Department of Health Services evaluate current
26 requirements imposed by the department and the FDA

1 and eliminate any inconsistencies that do not enhance
2 patient care and that impose an unreasonable regulatory
3 burden.

4 SEC. 2. Section 115080 of the Health and Safety Code
5 is amended to read:

6 115080. (a) The department shall provide by
7 regulation a ranking of priority for inspection, as
8 determined by the degree of potentially damaging
9 exposure of persons by ionizing radiation and the
10 requirements of Section 115085, and a schedule of fees,
11 based upon that priority ranking, that shall be paid by
12 persons possessing sources of ionizing radiation that are
13 subject to registration in accordance with subdivisions
14 (b) and (e) of Section 115060, and regulations adopted
15 pursuant thereto. The revenues derived from the fees
16 shall be used, together with other funds made available
17 therefor, for the purpose of carrying out any inspections
18 of the sources of ionizing radiation required by this
19 chapter or regulations adopted pursuant thereto. The
20 fees shall, together with any other funds made available
21 to the department, be sufficient to cover the costs of
22 administering this chapter, and shall be set in amounts
23 intended to cover the costs of administering this chapter
24 for each priority source of ionizing radiation. Revenues
25 generated by the fees shall not offset any general funds
26 appropriated for the support of the radiologic programs
27 authorized pursuant to this chapter, and the Radiologic
28 Technology Act (Section 27), and Chapter 7.6
29 (commencing with Section 114960). Persons who pay fees
30 shall not be required to pay, directly or indirectly, for the
31 share of the costs of administering this chapter of those
32 persons for whom fees are waived. The department shall
33 take into consideration any contract payment from the
34 Health Care Financing Administration for performance
35 of inspections for Medicare certification and shall reduce
36 this fee accordingly.

37 (b) A local agency participating in a negotiated
38 agreement pursuant to Section 114990 shall be fully
39 reimbursed for direct and indirect costs based upon
40 activities governed by Section 115085. With respect to

1 these agreements, any salaries, benefits, and other
2 indirect costs shall not exceed comparable costs of the
3 department. Any changes in the frequency of inspections
4 or the level of reimbursement to local agencies made by
5 this section or Section 115085 during the 1985–86 Regular
6 Session shall not affect ongoing contracts.

7 (c) The fees paid by persons possessing sources of
8 ionizing radiation shall be adjusted annually pursuant to
9 Section 100425.

10 (d) The department shall establish two different
11 registration fees for mammography equipment pursuant
12 to this section based upon whether the equipment is
13 accredited by an independent accrediting agency
14 recognized under the federal Mammography Quality
15 Standards Act, (42 U.S.C. 263b). ~~In no event shall the fee~~
16 ~~established by the department for registration or~~
17 ~~accreditation of mammography equipment that is~~
18 ~~accredited by an independent accrediting agency~~
19 ~~recognized under the federal Mammography Quality~~
20 ~~Standards Act (42 U.S.C. 263b), exceed the fee charged~~
21 ~~by the department for registration or accreditation of any~~
22 ~~high-priority radiation machine.~~

